

FILED

SEP 26 2006

IN THE UNITED STATES DISTRICT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

RODNEY ADAMS,
Plaintiff

vs.

LONGHORN INTERNATIONAL
TRUCKS, LTD.

Defendant

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CIVIL ACTION NO. A06 CA338 SS

**JOINT MOTION FOR COURT APPROVAL OF SETTLEMENT AND DISMISSAL
WITH PREJUDICE PURSUANT TO STIPULATED CONSENT JUDGMENT**

COMES NOW Plaintiff Rodney Adams ("**Adams**" or "**Plaintiff Adams**"), in his capacity as both Plaintiff and class representative and/or claimed class representative of current and former employees of Defendant, and **Defendant Longhorn International Trucks, Ltd.**, on behalf of itself and the Longhorn Releasees ("**Defendant Longhorn**") . Plaintiff Adams and **Defendant Longhorn** are referred to as **the Parties**. Having reached a confidential settlement, **the Parties** now file this Joint Motion for Court Approval of Settlement and Dismissal with Prejudice Pursuant to Stipulated Consent Judgment and would show the Court as follows:

1. Plaintiff claimed that during his employment with Defendant Longhorn he worked overtime hours for which he was not compensated in accordance with the Fair Labor Standards act ("FLSA").

2. Defendant Longhorn disputes that Plaintiff worked any uncompensated overtime

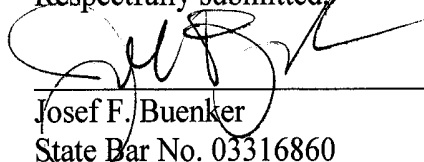
hours and asserts that Plaintiff was subject to the retail truck dealership exemption for mechanics to the FLSA's overtime provisions and/or was otherwise engaged in exempt work.

3. The Parties have agreed to settle this case, and all claims against the other, with each side to bear his, her, or its own attorneys' fees and costs. The precise terms of the settlement are set forth in the Confidential Settlement and General Release Agreement('The Agreement') entered into between the parties, filed herewith under seal due to the confidential nature of the settlement terms. The Parties request that the Agreement not be made part of the public record in this case.

4. Under the FLSA the Court is or may be required to scrutinize this settlement for reasonableness and fairness. **The Parties** submit that this settlement is in all respect a fair and reasonable resolution of a bona fide dispute under the FLSA and request that the Court enter the proposed Stipulated Order Approving Settlement and Dismissal with Prejudice Pursuant to Stipulated Consent Judgment.

WHEREFORE, PREMISES CONSIDERED, **Plaintiff Adams and Defendant Longhorn** pray that the Court approve this settlement and enter the proposed Stipulated Order approving Settlement and Dismissal with Prejudice Pursuant to Stipulated Consent Judgment.

Respectfully submitted,



Josef F. Buenker

State Bar No. 03316860

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ATTORNEYS for PLAINTIFF

and

A handwritten signature in cursive script, appearing to read "Regina C. Williams", is written over a horizontal line.

Regina C. Williams, Attorney at Law

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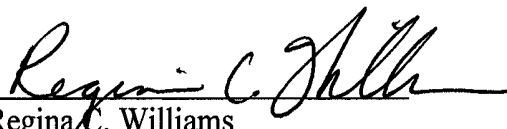
(512) 330-9752 (fax)

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of September, 2006, a true and correct copy of the foregoing JOINT MOTION FOR COURT APPROVAL OF SETTLEMENT AND DISMISSAL WITH PREJUDICE PURSUANT TO STIPULATED CONSENT JUDGMENT was forwarded by Lone Star Overnight to Plaintiff's counsel as follows:

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

RODNEY ADAMS,

Plaintiff

vs.

LONGHORN INTERNATIONAL
TRUCKS, LTD.,

Defendant

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CIVIL ACTION NO. A06 CA 338 SS

STIPULATED ORDER APPROVING SETTLEMENT AND DISMISSAL WITH
PREJUDICE PURSUANT TO CONSENT JUDGMENT

ON this ____ day of _____ Plaintiff's and Defendant's Joint Motion for Court Approval of Settlement and Dismissal with Prejudice Pursuant to Stipulated Consent Judgment ("Joint Motion") came on to be heard. The Court, having reviewed the pleadings on file and the Joint Motion and the Confidential Settlement Agreement and General Release reached between the Parties ("the Agreement")) filed under seal, and finding good cause for the granting of the Joint Motion submitted by the **Parties**, it is:

ORDERED, ADJUDGED, AND DECREED that the Confidential Settlement and General Release reached by the Parties as described in their Joint Motion for Court Approval of Settlement is a fair and reasonable resolution of a bona fide dispute under the FLSA. The Court has scrutinized the settlement reached by the Parties and the Agreement for fairness and find that the settlement is both fair and reasonable.

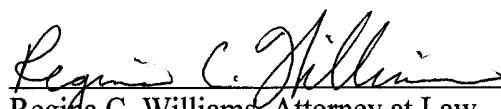
It is further ORDERED, ADJUDGED AND DECREED that (i) all claims asserted in this the suit by **Rodney Adams, Plaintiff**, and all parties claiming by, through and under Plaintiff in his individual and/or representative and/or claimed representative capacities, against Stipulated Order Approving Settlement and Dismissal with Prejudice Pursuant to Consent Judgment
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Defendant Longhorn International Trucks, Ltd. and the Longhorn Releasees as described in the Confidential Settlement Agreement and General Release are dismissed with prejudice to further prosecution in its entirety and (ii) the Counterclaim of **Defendant Longhorn International Trucks, Ltd.** against **Rodney Adams**, should be and the same is hereby dismissed with prejudice to further prosecution in its entirety. All taxable court costs including attorney fees and other costs are taxed against the party incurring the same. **Plaintiff Adams** shall have his private rights under the FLSA terminated with respect to the matters made the basis of this lawsuit against **Defendant Longhorn**.

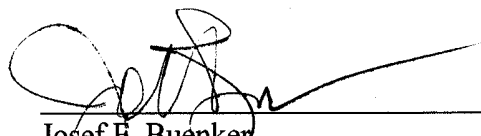
SIGNED this _____ day of _____ 2006.

JUDGE PRESIDING

APPROVED AS TO FORM AND SUBSTANCE:



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